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MEMORANDUM

Date: September 11, 2015
To: Town Council
From: Tom Russell
Re: Hughes Bros. Inc. Tax Abatement Request

Under Title 36 M.R.S. § 841(1), the municipal officers (Town Council) have the authority (after one year but within 3 years from the tax commitment date) to “make such reasonable abatement as they consider proper to correct any illegality, error, or irregularity” in a tax assessment, but they “may not grant an abatement to correct an alleged error in the valuation of property”. The taxes for the July 1, 2014 to June 30, 2015 fiscal year were committed on August 18, 2014, so the Town Council may now consider abatement requests under § 841(1) for that fiscal year.

Hughes Bros. Inc. has requested the abatement of taxes assessed against certain personal property. The abatement request alleges that certain personal property had a tax situs in Winterport by virtue of 36 M.R.S. § 603, and therefore should not have been assessed in Hampden under 36 M.R.S. § 602.

Title 36 M.R.S. § 602 provides as follows:

“All personal property within or without the State, except in cases enumerated in section 603, shall be taxed to the owner in the place where he resides.”

This statutory provision establishes the general rule for the assessment of personal property taxes. For a corporation or other legally recognized entity, it is deemed “to reside” where it maintains its principal place of business. *City of Lewiston v. Tri-State Rubbish, Inc.*, 671 A.2d 955 (Me. 1996).

Title 36 M.R.S. § 603 enumerates a number of exceptions to the general rule, including the following:

“9. Certain corporations. The personal property of manufacturing, mining, smelting, agricultural and stock raising corporations, and corporations organized for the purpose of buying, selling and leasing real estate shall be taxed to the corporation or to the persons having possession of such property in the place where situated, except as provided in subsections 1 and 10.”

Note: Subsection 1 deals with personal property employed in trade and Subsection 10 deals with mines for metallic minerals, neither of which is applicable to Hughes Bros. Inc.

Hughes Bros. Inc. has asserted that it qualifies for both the “manufacturing” and the “mining” provisions of § 603(9). However, as discussed at the last Town Council meeting, it is my opinion that Hughes Bros. Inc.’s operations in Winterport do not qualify as “manufacturing” based on the Maine Supreme Judicial Court case of *Inhabitants of Leeds v. Maine Crushed Rock & Gravel Co.*, 127 Me. 51(1928). In that case, the Court held that the quarrying, crushing, grinding and processing of earth material was not manufacturing. In order to constitute manufacturing, the application of labor by hand or machine to an article must result in a new and different article with a distinctive name, character and use. In the case of *Buckley v. Northeastern Paving Corp.*, 211 A.2d 889 (Me. 1995), the Court held that the use of a mobile machine to create bituminous concrete by the mixing under heat of rock, stone and sand with bitumen or asphalt constituted manufacturing because the process created a product with a different name, use and character than either of the two ingredients. Therefore, the real issue before the Town Council is whether Hughes Bros. Inc. qualifies for the “mining” provision of § 603(9).

Section 603(9) deals with “certain corporations”. The language does not deal with personal property used in mining activities, it deals with the personal property of various types of corporations, including a mining corporation. Unfortunately, neither the statute, nor the case law, defines what constitutes a “mining corporation”. The issue is whether the corporation must be exclusively dedicated to mining operations, or whether it qualifies for § 603(9) if only a part of its operations constitute “mining”.

In the *Buckley* case cited above, Northeastern Paving Corp. was described by the Court as “a Maine corporation engaged in the surfacing of highways”, and framed the issue of the case as “whether the defendant is a manufacturing corporation within the meaning of the statute”. The wording of the statute at issue in *Buckley* is virtually the same as the language of § 603(9). Since the Court concluded that the equipment at issue constituted manufacturing and that it was taxable where located in the Town of Leeds, and given the Court’s description of the business of Northeastern Paving Corp. and the Court’s statement of the issue, it would be reasonable to infer that the manufacturing activity of the corporation did not need to be the exclusive activity of the corporation in order to qualify as a “manufacturing corporation”, as the manufacture of bituminous concrete only created the product used by the corporation to surface highways.

In addition, in 1981 the Legislature amended § 603 to add Subsection 10 dealing with the tax situs of tangible personal property at a mine site. Subsection 10 also provided that for the purposes of that subsection, the definitions of 36 M.R.S. § 2855 shall apply. Since Sections 2851-2866 deal with the mining excise tax that is applicable to the mining of naturally-occurring metallic minerals, the definitions in 2855, and therefore the application of Subsection 10, only applies to the mining of metallic minerals. Nevertheless, since § 2855(11) defines a “mining company” as a “person who engages in mining”, perhaps the Court would look to that definition to assist in determining the meaning of a “mining corporation” in § 603(9). It is important to note that on its face, § 2855(11) does not require the engagement in mining to be the exclusive activity in order to be a “mining company”.

Based on the foregoing, I believe it is likely that the Court would rule that a corporation does not need to be exclusively engaged in mining activity to qualify as a “mining corporation” within the meaning of § 603(9), but only that it has to be engaged in that activity to a significant degree. However, I also believe that the personal property at issue would need to be dedicated to the mining activity in order to have the tax situs of that personal property be in the municipality where the property is situated. If not so dedicated, the tax situs of the personal property would be the principal place of business of the corporation.

In addition, in order to determine whether Hughes Bros. Inc. is a “mining corporation” (i.e., conducts mining operations to a significant degree), the Town Council will need a definition of “mining” to apply to the operations being conducted by Hughes Bros. Inc. in Winterport. Title 36 contains the taxation statutes for the State of Maine. I conducted a word search for “mining” in Title 36, and the only statutory definitions of that term were found in the taxation statutes applicable to the mining of metallic minerals (36 M.R.S. § 2855 and 36 M.R.S. § 655(1)(S), which incorporated by reference the definitions in § 2855).

Title 1 M.R.S. Chapter 3 establishes the rules of construction for the interpretation of statutory language. Title 1 M.R.S. § 72 establishes the rules of construction relating to words and phrases, and § 72(3) establishes the general rule that “words and phrases shall be construed according to the common meaning of the language.” Usually, the common meaning would be the customary dictionary definition.

The Merriam-Webster Online Dictionary contains the following definitions:

Mine (noun): *“a pit or excavation in the earth from which mineral substances are taken.”*

Mine (verb): *“to dig a mine in order to find and take away coal, gold, diamonds, etc.”*

Mining: *“the process or business of digging in mines to obtain minerals.”*

Mineral: *“an inorganic substance; any of various naturally occurring homogeneous substances (as stone, coal, salt, sulfur, sand, petroleum, water or natural gas).”*

The Cambridge Dictionary Online contains the following definition:

Mining: *“the industry or activity of removing coal and other substances from the earth.”*

The Collins English Dictionary contains the following definitions:

Mining (noun): *“1. the act, process, or industry of extracting coal, ores, etc. from the earth.*

2. a system of excavation made for the extraction of minerals, especially coal, ores or precious stones.”

Mining (verb): *to dig into the earth for minerals”*

In order to grant the requested abatement, the Town Council must make a finding that the operations at the Winterport property constitute “mining” under the common meaning or customary dictionary definition of that word, and that the personal property at issue is dedicated to that mining operation.

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this large area, the applicant has indicated that they will post a bond. No evidence has been submitted to show that a bond has been posted.

3. TECHNICAL ABILITY:

Hughes Bros., Inc. has been in the material processing and construction business for over 60 years. The applicant has retained the services of Engineering Dynamics, Inc. to prepare the design engineering, erosion control plan, and reclamation plan. A certified geologist from S. W. Cole Engineering, Inc. was retained to investigate the potential impacts on groundwater from the mining operation.

4. SOLID WASTE:

No household solid waste or construction debris is anticipated to be generated by this project. Stumps generated by clearing the site (approximately 1000 cubic yards) for excavation will be stockpiled onsite until they are dry. Once dry the stumps will be burned onsite. Any ash generated will be mixed with top soil for use in reclamation of the site.

5. WATER SUPPLY:

No water supply for use as potable water is required for this project. Process water for the operation (approximately 500 gallons/minute) will be obtained from a pond on the west end of the site. Water is cycled through a series of 5 sedimentation ponds for reuse. No wastewater is generated.

6. TRAFFIC MOVEMENT:

The proposed project is accessed via the Coles Corner Road, the Cove Road, and Route 1A. These roads are paved 2 lane roads with 20 foot wide travel surfaces.

The interior roads are 2 lane, gravel or paved roads with 20 foot wide travel surfaces. Entrance road #1 is approximately 1500 feet long and entirely gravel. Entrance road #2 is approximately 2500 feet long. The first 200 feet will be paved and the remainder will be gravel.

An estimate of 30 to 50 dump trucks will be entering and leaving the site each day. The project has been reviewed by the Maine Department of Transportation (MDOT) for its ability to comply with the traffic movement standard of the Site Location of Development Act. MDOT submitted the following comments:

a. Sight distances at the existing entrances onto the Coles Corner Road are adequate.

b. No adverse traffic operational impacts are anticipated.

7. MAINTENANCE OF ROADS:

Interior roads will be maintained by Hughes Bros., Inc.

8. AIR QUALITY:

The applicant applied for an air emission license on 3/11/88 to cover the washing, screening, and crushing operation. The Bureau of Air Quality

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Control has issued a license for this site which expires 6/13/93. To control excessive road dust from truck traffic, Hughes Bros., Inc. will apply water and calcium chloride to the road surfaces.

9. NATURAL DRAINAGE WAYS:

The site is dominated by a large hill. As such no offsite watersheds contribute flow to the site. The parcel, as it exists presently, can be divided into 12 drainage areas. Three drainage areas are self contained-contributing no flow offsite. The remaining area drains offsite in various directions. Meadow Brook flows along the eastern boundary of the property.

After final grading is complete, the site will only contain eight drainage areas, with a majority of the site contained in one large drainage area that slopes into the excavation area. The stormwater calculations performed on the site indicate that the project will result in runoff from the site being reduced. No adverse impacts on abutting properties due to the changes in drainage have been identified. No alterations to Meadow Stream are proposed.

10. STORMWATER RUNOFF:

The applicant has submitted a stormwater management plan for the site based on estimates of the pre-development and post-development run-off flows using the methodology outlined in "Urban Hydrology for Small Watersheds," Technical Release #55, U.S.D.A., Soil Conservation Service. The stormwater calculations performed by the consulting engineer indicated that with development of the gravel pit and the reshaping of the land to a gently sloped watershed, runoff from the site will be reduced. Therefore, no stormwater detention is proposed. The final stormwater management plan has been reviewed by the Bureau of Land Quality Control's Technical Services Unit which has concluded that it meets departmental standards for stormwater management.

11. EROSION AND SEDIMENTATION CONTROL:

During the Department's review of Hughes Bros.' Site Location application many concerns about erosion control were raised. The concerns focused on the following issues: erosion of materials into adjacent wetlands from the excavation area and material stock piles, the design adequacy of the existing onsite sedimentation ponds, the final slope of pit walls, the maximum acreage open before reclamation is initiated, and the method of reclamation.

On 4/17/91, Department staff visited the Doble Pit and found that the current pit walls are at high slopes creating a potential hazard, stock piles were eroding causing sedimentation of offsite wetlands, sedimentation pond E had over topped its northwesterly bank eroding a gully and sending sediment into adjacent wetlands, sediment from dredging ponds was deposited on the west berm of pond A which resulted in sedimentation of adjacent wetlands, the culvert between pond C and pond D was not compacted properly and the sedimentation ponds were not functioning as described in the application.

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To address the continued threat to wetlands from erosion of materials off disturbed areas the applicant completed the following measures: installed silt fencing below all of the sedimentation ponds and all stockpiles that had the potential to erode offsite, all disturbed soils around the sedimentation ponds were seeded and mulched, a berm was erected around the silt dewatering area, and the culvert between ponds C and D has been compacted and stabilized. In a follow-up site visit, Department staff found that these erosion controls are adequate short-term measures to prevent further discharge to the wetlands if maintained properly.

To address other erosion control concerns the applicant has proposed the following: to extend silt fences to protect additional areas, to raise the berm height on ponds A, B and D and to construct stabilized overflow spillways on ponds D and E, to seed long-term topsoil piles, to erect erosion control barriers on any stockpiles that are located in areas that drain offsite, to grade future excavation so that the pit floor slopes in toward the east directing runoff to a self contained pit area, to post a bond ensuring that reclamation will be completed, and midslope benching with maximum vertical drops of 30 feet between benches. The applicant has also submitted a revised reclamation plan and a revised sedimentation pond description with an analysis showing that the sedimentation ponds remove an acceptable amount of solids and an analysis showing that the ponds have adequate capacity.

With revisions made onsite and in the application document, Department staff has found that erosion control measures are adequate to meet Departmental standards.

12. SURFACE WATER QUALITY:

The proposed project is not within the watershed of a lake or great pond. No discharges to surface waters are proposed. Meadow Brook flows along the eastern boundary of the property. The applicant has proposed to maintain 800 feet between the limits of excavation and Meadow Brook. An erosion control plan has been submitted to prevent indirect discharges of sediment to the brook.

13. GROUNDWATER QUALITY/QUANTITY:

The Doble Gravel Pit is located on a mapped sand and gravel aquifer. No water supply wells are proposed. Process water for the project is supplied by onsite process water ponds. Process water is recycled. No wastewater is generated by the project.

The following concerns were raised about the project in regard to groundwater quality and quantity: the project's short and long-term impact on the public drinking water supply, the project's impact on private wells nearby, the depth of the pit in relation to the groundwater table elevation, the method of fuel storage and handling, and the method of stump disposal.

The applicant has submitted a hydrogeologic investigation of the gravel pit prepared by S. W. Cole Engineering, Inc. The certified geologist who prepared the report made the following conclusion in regard to the project's impact on the aquifer: "Recharge to the water table may increase slightly due to the lack of vegetation in the excavation area,

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however, this slight increase in head will quickly return to equilibrium in the permeable sand and gravel deposit".

The applicant has proposed to maintain a 5 foot separation to groundwater. The applicant has submitted a "Horizontal Groundwater Contour Map" prepared by S. W. Cole Engineering, Inc. dated 4/30/90 and a Final Phase-Site Grading Plan" prepared by Engineering Dynamics, Inc. dated 1/23/90 (revised 5/29/91) in support of their proposal for a 5 foot separation. The applicant has also prepared a groundwater monitoring plan to monitor groundwater levels in the pit and in neighboring wells while they are excavating the site.

The applicant is proposing to store and handle fuel onsite. No. 2 fuel for the diesel generator is stored in an above ground 2,960 gallon coated steel storage tank. The steel tank is installed within a concrete containment structure measuring 20 feet by 10 feet by 3 feet. The applicant stated that this containment area holds a volume of 2,660 gallons. A spill prevention control and countermeasure plan has been submitted by the applicant to outline procedures that will be used at the Doble Pit.

Stump disposal methodology is outlined in Finding #4 of this order.

The application has been reviewed by the Bureau of Land Quality Control's Technical Services Unit which found that the application is approvable with respect to geologic issues provided that groundwater monitoring is conducted as proposed, annual reports are submitted to the Department for review, excavation plans are revised as deemed necessary by groundwater monitoring results, the depth of the spill containment area for the fuel tank is increased by 4 inches to provided for 300 gallons of additional containment capacity, and the applicant does not excavate below elevation 168 without further approval from the Department. The applicant has agreed to the conditions recommended by the Technical Services Unit.

The Department has received comments from the Winterport Water District in regard to the proposed excavation of the Doble Pit. The water district is opposed to the granting of a gravel mining permit because "insufficient consideration and weight has been given to the long-term cumulative effect of the proposed mining operation on the sand and gravel aquifer which forms the sole source of municipal water supply." The water district also contends that "the findings of fact fail to take into account the presence and continuing operations of numerous other gravel pit operations of less than five acres which exist within the mapped aquifer area." The district has also requested to be sent copies of any groundwater monitoring data for themselves and the Department of Human Services. The Department has reviewed the entire mining operation proposed by Hughes Brothers, Inc. from existing conditions to the close out and reclamation of the pit. With the groundwater quality protection measures outlined in this order the Department has not been able to identify any specific adverse impacts to the groundwater that would result from the proposed mining activity. In

regard to the cumulative impact of other small mining activities in the aquifer, the purpose of the Site Location of Development Act as established by the legislature was to ensure that developments will be located in a manner which will have a minimal adverse impact on the environment. The law focuses review on single development proposals. The

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cumulative effect of development was not established as a decision making criteria.

The Department finds that the proposed mining activity will not have an unreasonable adverse impact on groundwater quality or quantity.

14. BUFFER STRIPS:

The applicant has proposed to maintain a 150 foot undisturbed bufferstrip along all property boundaries, except for the boundary line shared with Lane Construction Corp. and a small section of south easterly property line. For the boundary line shared with Lane the applicant has submitted a letter from that company indicating they do not object to the reduced buffer. Along the small section of the south easterly property line, the applicant has not proposed a bufferstrip. However, no new excavation is proposed within 150 feet of this property line. Bufferstrips are show on the plan entitled "Phase I-Finish Grading Plan" dated 1/19/90 (revised 5/29/91).

15. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The project site has been reviewed by the Maine Historic Preservation Commission which has found that the proposed project will have no effect upon any structure or site of historic, architectural or archaeological significance as defined by the National Historic Preservation Act of 1966.

There is no record of any known rare or unusual features on the property. This is based on a review of the Maine Natural Heritage Program Data Base.

16. SCENIC CHARACTER:

The current operation activities in the pit are not visible from the Cole's Corner Road or other prominent elevations due to existing natural barriers. However, as excavation progresses at present excavation rates the excavation area may become visible within 12 to 15 years. To prevent this the applicant has proposed that a visual screen consisting of three rows of white pine planted on a 20 foot spacing grid will be planted within one year. Tree growth should provide complete visual screening from Coles Corner Road by the time excavation would otherwise be visible. The visual screen will be planted as shown on the plans entitled "Phase I-Finish Grading Plan, Hughes Brothers, Inc." dated 1/19/91 (revised 5/29/91).

17. WILDLIFE AND FISHERIES:

The project is located adjacent to a Natural Resources Protection Act regulated wetland. Past pit operations have caused sedimentation of the wetland to occur. The applicant has taken steps and proposed additional measures to ensure that no further sedimentation will occur. Reference is made to Finding #11 of this order.

Additional work proposed by the applicant will require a permit under the Natural Resources Protection Act. However, it may meet the standards of Department Regulations Chapter 305 - Natural Resources Protection Act Permit-by-Rule Standards.

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The proposed project has been reviewed by the Department of Inland Fisheries and Wildlife (IF&W). In their comments IF&W stated that "As proposed this project will result in a deforestation of the site and a loss of wildlife habitat; however, any impacts to wildlife populations is not anticipated to be significant. A review of Department files does not indicate the presence of any deer wintering areas nor the presence of any threatened or endangered wildlife species. Proper reclamation will restore productive wildlife habitat eventually."

18. SOILS:

S. W. Cole Engineering, Inc. conducted a test pit investigation of the project site. They found the soils generally consist of layered sand and gravel deposits on the esker with marine sediments composed of silty clay and some sand layers flanking the esker. No limitations to the proposed project due to onsite soil conditions have been identified.

19. WASTEWATER DISPOSAL:

No wastewater is anticipated to be generated at the project site.

20. NOISE:

To minimize noise, equipment working hours will be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 p.m. on Saturday. As measured from the proposed location of the crusher, the nearest residence is located 2,500 feet away - on the opposite side of the Coles Corner Road. Because the elevation of the crusher is lower than the Coles Corner Road, a noise barrier is created by the working face of the pit. Because of the location of the crusher and conditions under which it is operated, noise levels at the property line are not predicted to exceed 75 decibels. Hughes Bros., Inc. has operated in this area for 15 years. No concerns about noise impacts were submitted to the Department.

21. ACCESS TO DIRECT SUNLIGHT, ODORS, WATER VAPOR, OPEN SPACE, FLOODING, SANDDUNES:

No significant project impacts in regard to these issues have been identified.

BASED on the above findings of fact, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 481 et seq.

A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards, provided that the applicant submits evidence that a pit reclamation bond has been posted to cover the costs of reclaiming the excavation area.

B. The applicant has made adequate provision for traffic movement of all types into, out of or within the development area. Any traffic increase attributable to the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

C. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will

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not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in Winterport or in neighboring municipalities, provided that a 150 foot buffer is maintained along all property lines except the line shared with Lane Construction, visual buffers are planted, and a Natural Resources Protection Act permit is obtained for any construction adjacent to the wetland.

D. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.

E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur, provided that groundwater monitoring is conducted as proposed, a 5 foot separation to the groundwater table is maintained, and the fuel containment structure is reconstructed.

F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal, roadways and open space required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities, roadways and open space in Winterport or the area served by those services or open space.

G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

H. The activity will not unreasonably interfere with the natural supply or movement of sand within or to the sand dune system.

THEREFORE, the Department APPROVES the application of HUGHES BROS., INC. to excavate the Doble gravel pit in Winterport, Maine, IN ACCORDANCE WITH THE FOLLOWING CONDITIONS:

1. The Standard Conditions of Approval, a copy of which is attached.
2. Within 60 days of the date of this order, the applicant shall submit to the Bureau of Land Quality Control for review and approval from the Commissioner evidence that a bond has been posted to cover the cost of reclaiming the maximum amount of excavation area that will be open at one time.
3. Silt fencing shall be inspected after each rainfall and shall be repaired or replaced as necessary. Sediment deposits shall be removed once they reach one half the height of the silt fence barrier.
4. In addition to any specific erosion control measures described in Finding 11 of this order, the applicant shall take all necessary actions to ensure that their activities or those of their agents do not result in noticeable erosion of soils on the site during the construction and operation of the project covered by this approval.

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5. The berms on sedimentation ponds A, B, and C shall be raised, and the stabilized overflow spillways on sedimentation ponds D and E are constructed as proposed within one year of the date of this order.

6. All monitoring of onsite wells and abutting wells shall be conducted as proposed. The applicant shall submit 4 copies of an annual monitoring report to the Bureau of Land Quality Control for review by December 31 of each calendar year. This report shall contain the monitoring data collected as well as a written interpretation of the data prepared by a certified geologist.

7. If groundwater monitoring data shows that the pit bottom is or will be within 5 feet of the groundwater table, the applicant shall submit to the Bureau of Land Quality Control for review and approval of the Commissioner 4 copies of a revised plan to ensure that the 5 foot separation between the bottom of the pit and the groundwater table is maintained. The revised plan shall be submitted to the Bureau within 60 days of the date on which the certified geologist or the Department notifies the applicant of a problem with the separation distance.

8. Within 60 days of the date of this order, the applicant shall reconstruct the containment structure for the No. 2 fuel tank so that the depth is increased by 4 inches and the containment structure is capable of holding the entire volume of the fuel tank.

9. The pit shall not be excavated deeper than elevation 168 without further approval from this Department.

10. The applicant shall maintain a 150 foot wide undisturbed buffer on all property lines except the line shared with Lane Construction in which case the applicant shall maintain a 50 foot wide undisturbed buffer strip.

11. The visual buffer proposed to be planted to screen the pit from the Coles Corner Road shall be planted as shown on the plans within one year of the date of this order.

12. All earthwork to be done within 100 feet of the edge of the wetland shall be done in conformance with the requirements of Department Regulations Chapter 305 - the Natural Resources Protection Act Permit-by-Rule Standards.

DONE AND DATED AT AUGUSTA, MAINE, THIS 21ST DAY OF November, 1991.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Dean C. Marriott

DEAN C. MARRIOTT, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEALS PROCEDURES...

Date Of Initial Receipt of Application 4/13/88

Date Of Application Acceptance 5/13/88

Date Filed With Board of Environmental Protection N/A

DOBLE/sb